

THE GOVERNOR'S TASK FORCE ON ELDER ABUSE

FINAL REPORT

MICHIGAN OFFICE OF SERVICES TO THE AGING
AUGUST 23, 2006

EXECUTIVE SUMMARY

The Governor's Task Force on Elder Abuse, appointed by Governor Jennifer Granholm, met between June 2005 and June 2006. It was charged with the responsibility to examine issues relating to elder abuse and to assist the state in identifying new resources, best practices, and necessary changes in law and policies to assist in the prevention of elder abuse.

The task force responded by recommending the following policy changes:

1. Create a focal point to solve the problems of elder abuse in Michigan through the development of an Elder Abuse Authority to raise public awareness and coordinate prevention, treatment, investigatory and prosecution efforts. This entity would be charged with implementing the recommendations found in this report including integrating state-level reporting systems so that the depth and breadth of Michigan's elder abuse problem can be understood and measured with a common language.
2. Prevent physical abuse, psychological abuse and neglect by promoting abuse prevention within families, including caregiver support and healthcare worker training to help spot abuse. The task force also recognizes that standards for some extra-familial care workers such as in-home and direct care workers need to be set, or revised. In the case of guardians and conservators, standards need to be implemented.
3. Prevent financial exploitation by making it more difficult to misuse financial products and instruments used to commit abuse, including improper variable annuities sales, exaggerated real estate appraisals, and the misuse of joint bank accounts and Powers of Attorney.
4. Remove barriers to reporting abuse in healthcare settings and financial institutions and explore ways in which those working in these areas can become empowered to act as frontline responders to abuse.
5. Enhance investigation of abuse through development of investigative teams made up of key players at the local level. Financial abuse is on the rise and special training in both the issues of elder abuse and financial exploitation for investigators will pave the way for better investigations, resulting in more successful prosecution of abusers.
6. Effectively prosecute abusers through a wide range of changes in current statutes, as well as the need to improve court practices in serving our elder population. These changes range from increasing sentencing guidelines and maximum penalties, to allowing videotaped testimony of elders who have been abused.

The goal of these recommendations is to create a cohesive, coordinated and proactive response to abuse of older adults, by giving agencies, organizations and individuals the tools they need to better protect them. The recommendations are designed to improve Michigan's system to better meet the needs of current victims and to plan for how to deal with a burgeoning older adult population. Specific recommendations include a public awareness campaign, integrating reporting systems, training for law enforcement and prosecutors, and numerous legislative changes to make prosecution of abusers more efficient and sentencing more appropriate to the crime. With the adoption and implementation of these recommendations we can help prevent elder abuse in Michigan.

INTRODUCTION: TRANSFORMING MICHIGAN'S RESPONSE TO ELDER ABUSE

Elder abuse is an issue that is faced by older adults across the globe. In Michigan it is estimated that at least 73,000 older adults are victims of elder abuse. Whether it is physical abuse, financial exploitation, emotional abuse, neglect, or self-neglect, the symptoms and treatment of elder abuse are complex. It is often characterized by life-threatening actions inflicted upon vulnerable adults. It is also about the theft of resources that leads to the financial and emotional devastation of persons who have no ability to recoup their losses.

Unfortunately, what we know about elder abuse, as it exists today is just the tip of the iceberg. It remains a mostly unrecognized and unreported social problem. There is a lack of a comprehensive system to collect data about elder abuse cases. There is no centralized and coordinated depository of elder abuse educational resources. The general public does not have a central place to report suspected abuse. And, justice for the victims is often difficult to achieve. As we see increases in the population of people age 60 and over, and more people reaching age 85 and beyond, the problem of elder abuse will only continue to spread.

When the Governor announced the creation of the Michigan Task Force on Elder Abuse was made on May 25, 2005, the action was applauded both by seniors and those who work everyday to combat this terrible social problem. The charge given the task force by Executive Order No. 2005-11 is to:

1. Review existing state efforts regarding the prevention and prosecution of elder abuse including physical abuse, emotional abuse, neglect, sexual abuse, and financial abuse and exploitation.
2. Identify and prioritize pressing issues and significant challenges that must be addressed to protect Michigan's vulnerable adults from abuse, neglect, and financial exploitation.
3. Review laws, policies, and practices of other states and make recommendations for changes in Michigan to address elder abuse, neglect, and financial exploitation.
4. Recommend a process for the development of a widely accessible reference database of current information and research concerning elder abuse.
5. Provide recommendations to promote effective communications and coordination of efforts between the public and private sectors at both the state and local levels regarding the prevention and effective prosecution of elder abuse.
6. Review and provide advice regarding the potential effectiveness of a public-private communications network throughout Michigan related to elder abuse, including physical abuse, emotional abuse, neglect, sexual abuse, and financial abuse and exploitation.
7. Review other state practices and recommend approaches to develop dedicated local investigative teams that have the tools and legal authority necessary to effectively identify, investigate, and prosecute elder abuse, neglect, and financial exploitation.
8. Identify new opportunities to support and expand research studies that document the

scope and depth of elder abuse, neglect, and financial exploitation in Michigan.

9. Provide recommendations for the development of training and technical assistance materials for investigation and enforcement professionals.
10. Provide recommendations for the development of a plan to generate public awareness of the scope of elder abuse, such as recommendations for public service announcements, editorials, community presentations and forums, website development, publications, and other materials to provide relevant information to the public.
11. Based on the foregoing, make recommendations to the Governor.

The Task Force took very seriously their charge of examining issues relating to elder abuse to assist the state in identifying new resources, best practices, and necessary changes in law, policies, and practices to assist in the prevention of elder abuse. They sought the expertise of leaders in the field who are combating elder abuse and heard heart-wrenching testimony about real cases, sometimes from the victims themselves. In order to gain statewide input, public hearings were held throughout the state and public input was widely sought throughout the process.

While there are a number of successful local elder abuse efforts underway in Michigan, in order to impact elder abuse on a large-scale, change needs to occur on a grander scale. The recommendations developed by the Task Force build on programs already in place. The recommendations have one thing in common—an underlying goal to create a cohesive, coordinated and proactive response to abuse, by giving agencies, organizations and individuals the tools they need to better protect vulnerable older adults and prosecute abusers. These recommendations are a first step in achieving this goal for Michigan's elders, both present and future.

ELDER ABUSE:
AN OVERVIEW

ELDER ABUSE: AN OVERVIEW

WHO IS COMMITTING ELDER ABUSE?

While many people imagine elder abuse as something done by deranged and anti-social strangers, studies have shown that the most likely abusers are members of the victim's own family.

In most national and state efforts, elder abuse is commonly separated into three main categories: (a) *physical abuse or neglect*, in which a person is physically harmed, (b) *psychological abuse*, in which a person is manipulated, humiliated, or otherwise made to feel distress, and (c) *financial abuse or exploitation*, in which a person's funds and property are misused or stolen from them.

In many cases, any one of these three can, under certain conditions, lead to any other.

When an elder is living on a fixed income, for example, financial exploitation can lead to humiliation and depression, both of which can, in turn, lead to physical illness.

In the case of financial exploitation, family members are more likely to become abusive or exploitative when, for example, any of the following situations exist:

1. The family member has substance abuse, gambling, or financial problems.
2. The family member stands to inherit and feels justified in taking what he or she believes is "almost" or "rightfully" his or hers.
3. The family member fears that an older relative will get sick and use up his or her savings, depriving him or her of an inheritance.

4. The relative has had a negative relationship with the older person and feels a sense of "entitlement."
5. The relative has negative feelings toward siblings or other family members whom he or she wants to prevent from acquiring or inheriting the older person's assets.
6. The family member has been a victim of abuse.

In addition to family members, predators who seek out vulnerable seniors with the intent of exploiting them are likely to engage in one or more of the following behaviors:

1. Professing to love the older person ("sweet-heart scams").
2. Seeking employment as a personal care attendant, counselor, or other similar profession to gain access to their victims.
3. Identifying vulnerable individuals by driving through neighborhoods (to find individuals who are alone and isolated), or contacting recently widowed persons found through newspaper death notices.
4. Moving from community to community to avoid being apprehended (transient criminals).

Beyond these types of individuals are others who assume the guise of honest business-people, only to exploit elders through the following tactics:

1. Overcharging for or not delivering services or products.
2. Using deceptive or unfair business practices.
3. Using their positions of trust or respect to gain compliance.

When it comes to physical abuse, including sexual assault and neglect, abusers commonly fit these descriptions:

1. Paid attendants or employees of long-term care facilities.
2. Family members (many of whom are caregivers).
3. Others whose criminal profiles specifically target the elderly.
4. Caregivers who lack adequate skills, training, time, or energy.
5. Caregivers who are mentally ill or who have substance abuse problems.

WHO IS AT RISK?

Generally speaking, a combination of psychological, social, and economic factors, along with the mental and physical conditions of the victim and the perpetrator, are all contributing factors to elder abuse. In particular, individuals who face an increased risk of being victimized or abused are those who demonstrate these characteristics:

1. Are isolated, lonely, or lack social, emotional, or family support.
2. Are physically or cognitively disabled.
3. Have mental health problems, including substance abuse, psychoses, Alzheimer's and related dementias, as well as depression.
4. Have health issues requiring a high degree of care.
5. Have family members who are unemployed, have substance abuse problems, or are greedy.
6. Have a history of domestic violence, or those who are co-dependent,
7. Lack adequate familiarity with financial matters.
8. Live with a caregiver or friend.

MICHIGAN'S EXPERIENCE

It is difficult to say exactly how many older citizens are abused, neglected, or exploited in large part because surveillance is limited and the problem remains greatly hidden. During calendar year 2005, Michigan's Adult Protective Services Program through the Department of Human Services received 14,641 referrals of suspected abuse, neglect and/or exploitation of elderly and disabled persons. Based on national statistics, the incidence of reporting is one in five for abuse, neglect and/or exploitation. For Michigan, this translates to 73,205 residents suspected of being abused, neglected and/or exploited. This does not take into account the number of calls received by state and local law enforcement agencies regarding elderly victims of crime.



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GOVERNOR

STATE OF MICHIGAN
OFFICE OF SERVICES TO THE AGING
LANSING

KARI SEDERBURG
DIRECTOR

**Testimony before the MI House Families, Children and Seniors Committee
Tuesday, February 21, 2012
Elder Abuse Legislation
Presented by: Kari Sederburg, Director
Michigan Office of Services to the Michigan**

I am here today in my role as the director of the Michigan Office of Services to the Aging (OSA), the state agency responsible for advocating on behalf of Michigan's 1.9 million persons aged 60 and older. OSA administers state and federal funds and manages grants for aging services, provided through a network of 16 Area Agencies on Aging and more than 1,200 service providers statewide.

Because of our work, which touches almost every aspect of an older adult's life, we know well the high cost of vulnerable adult abuse. These costs are not just in terms of the horrific loss of life and diminished life quality through physical and emotional abuse, but also in the loss of all resources, possessions, the home, and especially for older adults, retirement savings through financial exploitation. Add to this the cost to all Michiganders when older adult victims are forced to rely on social services in the face of financial ruin, where no such need existed before. You can see that this is a serious problem needing serious solutions.

Elder and vulnerable adult abuse is complex and includes physical, emotional, sexual, and neglect or financial abuse. Typically multiple forms of abuse and neglect are perpetrated against a victim; and tragically, the perpetrator is often someone known and trusted by the victim, such as a family member or caregiver. Research suggests that this is true in at least 70% of reported cases.

You may notice that I use the terms "elder and vulnerable adult abuse." In Michigan a vulnerable adult is defined as an individual over the age 18 who, by physical or cognitive disability or advanced age, needs assistance to manage his/her day to day life. These proposed bills apply to all vulnerable adults meeting this definition, not just older adults.

The Michigan Office of Services to the Aging (OSA) along with our partners, the Department of Human Services (DHS), the Office of the Attorney General (AG), the Michigan State Police (MSP), the Office of Finance and Insurance Regulation (OFIR), Sheriff's Departments and local law enforcement, and networks of service providers have been working to prevent, identify, investigate, and prosecute elder and vulnerable adult abuse and provide assistance to victims of elder abuse for decades. Despite the historic lack of direct resources for elder and vulnerable adult abuse, we have worked to increase awareness and our ability to combat abuse

in all its forms. However, in Michigan and nationally, elder abuse prevention efforts are still in their infancy when compared to child abuse and domestic violence systems. The existence of this proposed legislation demonstrates the need for new and better tools.

Financial exploitation, often the most difficult of cases to prove in court, is increasing at an alarming rate, and is second only to self-neglect as demonstrated by Adult Protective Services cases. Financial exploitation involves misuse of the vulnerable adult's resources, often resulting in the victim needing to rely on public programs to fund needed medical and other care. Financial abuse is perpetrated by family members and caregivers with access to a vulnerable adult's information, funds, and possessions. It is also perpetrated by guardians and conservatorships, and by aggressive agents earning high commissions for financial products inappropriate for older or vulnerable adults. It is important to note that the vast majority of caregivers, including family caregivers who provide more than 80% of mostly uncompensated care to vulnerable adults, do act in the best interest of those for whom they are caring. And the majority of guardians, conservators and financial professionals are ethical and honest. However, our current laws and policies make it extremely easy for those who, by opportunity or intent, abuse, exploit and neglect.

In Michigan an estimated 90,000 older and vulnerable adults suffer abuse, neglect, or exploitation each year. Research, including a recent New York study, documents that only a fraction of cases is reported to authorities. Conservatively speaking it is believed that only 1 in 10 cases are reported, and the number may be as high as only 1 in 25 cases for financial exploitation. Studies like this are rare. Calculating the true numbers of victims and cost of these crimes is very difficult because of shame on the part of victims to come forward and often when they do, there is no support. The fact is that what we know about elder abuse is still the tip of the iceberg. It largely remains an unrecognized and unreported social problem. And as the population of people aged 60 and over increases, and with those aged 85 and beyond growing the fastest, the problem of elder abuse will only continue to increase.

While we still have a great deal to learn about elder and vulnerable adult abuse, we do know a few things about the economic cost. Recent studies by Met Life and the Investor Protection Trust estimate that more than \$2.5 billion nationally is lost each year to financial abuse, fraud, and exploitation of older adults. A recent Utah study, now considered a best practice to be replicated in every state, shows that financial exploitation costs the state of Utah \$51 million a year in lost resources, costs to businesses including financial institutions, and costs to tax payers through public programs like Medicaid. We also know that here in Michigan we continue to see increases in the numbers of cases reports to Adult Protective Services, our primary response system for reports of abuse. Referrals have increased by 30% over the past five years.

For the small percentage of victims that do come forward, the remedies and interventions currently available are simply not enough to make Michigan a safe place for older and

vulnerable adults. Increased awareness, coordination of services, and increased penalties for perpetrators are needed if Michigan is to become that safer place.

In 2005/2006 Michigan's first Task Force on Elder Abuse was formed. This Task Force, comprised by experts from law, medicine, the judiciary, state and local law enforcement, prosecution, guardianship, human service agencies, advocates and service providers was organized and supported through a partnership between the Office of Services to the Aging (OSA), Department of Human Services (DHS), Michigan State Policy (MSP), and the Office of Financial and Insurance Regulation (OFIR.) The task force was charged with examining issues related to elder abuse and assisting the state in identifying new resources, best practices and necessary changes in law and policy to assist in the prevention of elder abuse. The Task Force took its charge seriously, spending 18 months educating itself about all facets of elder abuse, including heart-wrenching testimony about real cases, sometimes from the victims themselves.

The Task Force concluded its charge by presenting 57 recommendations designed to create a cohesive, coordinated, and proactive response to abuse of older and vulnerable adults. These recommendations were designed to improve Michigan's system to better meet the needs of victims, and to plan for how to deal with a burgeoning older adult population.

A number of the recommendations of the Task Force were legislative, and all but two of the bills before you in this committee stem directly from Task Force recommendations. These recommendations provide tools for law enforcement and prosecutors, protections for consumers, and mechanisms to improve coordination and cooperation between the various agencies and entities providing services to vulnerable persons.

The adoption of these bills will help prevent elder abuse, establish a new foundation and solid footing to address additional policy and practice issues in the future, and strengthen our ability to combat abuse in all its forms. Further, these reforms will position Michigan to respond to new opportunities to receive federal funds that may be made available as authorized in the Elder Justice Act, now federal law.

Twenty or 30 years ago, there were advocates and policy makers sitting in this chair asking for your predecessors' support in passing critical reforms to protect children, spouses, and intimate partners from abuse and exploitation. At that time, the conventional wisdom was that these were family matters, not to be interfered with and that current law was enough. Over these last 30 years of coming to understand the dynamics of family abuse, we have learned that it is possible to set up systems to better protect victims without taking away all choice and freedom. We learned that abuse, neglect, and financial exploitation impact us all. We understand that abuse of any segment of the population is first a moral issue, but also a public health and economic issue and through legislative action it was and is possible to do better. Moreover, it is our responsibility to do better. And that's what I'm here today to ask you to do for vulnerable and older adults – that which has already been accomplished for children, spouses and intimate partners. We must do better.

This package of bills, without adding severe restrictions or overburdening industries, sends the message that Michigan is serious about protecting our most vulnerable from abuse. They allow us to implement much needed reforms to move Michigan forward in the battle against abuse and exploitation.

These bills will improve the prevention, protection of vulnerable adults, and the prosecution of perpetrators in some very specific ways:

Tools for Law Enforcement:

- SB 454 (Nofs – R) - **Video-taped testimony:** Providing for the use of videotaped testimony if under oath and subject to cross examination by the defense attorney. Michigan law currently allows the testimony of children or individuals with a developmental disability to testify by videotape or closed circuit television when the court makes a finding that they will be unable to testify in the presence of the defendant. Creating a special witness protection statute for elderly and vulnerable adults similar to the protections for other vulnerable populations would better protect victims and increase the ability to hold their abusers accountable. Such a statute would not violate the 6th amendment right to confrontation, and would be used as a last resort as it is for populations currently covered.
- SBs 455 Rocca – R; and 465 (Hildenbrand- R) - **Amending sentencing guidelines to increase the likelihood of accountability for financial crimes.** Currently those convicted of financial exploitation rarely serve time.
- SB 459 (Emmons – R) - **Defining “fraudulently obtaining a signature.”** A significant amount of financial abuse is perpetrated by the simple act of getting someone to sign something, electronically or otherwise. A piece of paper may be a deed, a will, a Power of Attorney, or something else. Sometimes duress is involved, but more commonly the victim is tricked into signing it. Current law is difficult to use to prosecute abusers.
- SB 468 (Hansen – R) - **Preventing a magistrate from refusing a complaint filed by someone other than the victim in cases alleging vulnerable adult abuse.** Currently, for elder abuse to be investigated, it is often necessary for the victim to file a formal complaint. For a wide range of reasons including undue influence, fear, and isolation, many vulnerable adults are unable or afraid to file a formal complaint. Michigan law currently prevents a magistrate from refusing a third party complaint regarding a domestic violence victim. This same protection should be provided to vulnerable adult abuse victims.

Protections for Vulnerable Adults:

- SB 461 (Schuitmaker-R) - **Bonding of Conservators, prohibiting taking a lien or mortgage, preventing convicted abuser from inheriting.** Amending the Estate and

Protected Individuals Code (EPIC) to require bonding of conservators; prohibiting conservators from taking a lien or mortgage without approval; and preventing a convicted abuser from inheriting from the victim unless specifically forgiven after conviction. Conservators have a responsibility to act in the best interest of the ward, and should be held to the highest standards given the authority granted them by the court to control a vulnerable adult's resources. Further, the ability to inherit from a victim puts vulnerable adults at risk. Today, in Michigan, a person can abuse neglect or steal from a vulnerable adult and still inherit from that victim, so long as the physical harm he or she perpetrated did not lead to death. This bill also prevents a convicted abuser from inheriting unless formally forgiven by the victim after conviction.

- SB 462 (Bieda – D) - **Requires reporting of abuse to outside authorities for long term care facility employees.** The system for reporting abuse needs to as timely and direct as possible. Current law discourages “whistleblowers” from reporting, which causes a delay. Currently, while most mandatory reporters of vulnerable adult abuse are allowed to report anonymously by law, employees of licensed long term care facilities are required to report abuse to their supervisor or Director of Nursing. Directly reporting to the designated agency to respond to the alleged abuse is more expedient and may remove an employee's fear of retaliation.
- SB 466 (Schuitmaker – R) - **Creates the Senior Medical Alert Program, similar to the Amber Alert.** Allows law enforcement to begin an investigation immediately when a vulnerable adult is reported missing. Under current law, investigations for missing persons require the person be missing for a period of time, typically 24 hours. This bill would provide that if a person is identified as vulnerable, law enforcement can begin investigating and can share information with the media immediately.
- SB 467 (Jones- R) - **Adopt the National Association of Insurance Commissioners (NAIC) Model Law of Variable Annuities into Michigan statute to increase consumer protections.** This model law would increase consumer protections by enhancing suitability guidelines and the right of consumers to cancel a transaction.
- SB 706 (Gregory –D) - **Prohibits insurance producers from using senior-specific certifications as a marketing tool.** This bill ensures that any senior specific designation be backed by a legitimate organization with established criteria, training and CEU requirements, and which does not have marketing as its primary function. Identifies the use of such designation that does not meet this criteria as a deceptive business practice.
- SB 777 (Warren – D) - **Consumer protection against “churning” of replacement life and annuity products.** This bill requires agents to ask if the client holds current life or annuity policies, and requires disclosure about completing new transactions.

Improved Response and Coordination:

- SB 457 (Colbeck – R) - **Establishment of vulnerable adult death review teams.** Allows for the establishment and defines the composition of vulnerable adult death review teams. The establishment of these teams is considered a national best practice for investigations, case analysis for systemic change and improving coordination between investigators, prosecutors, adult protective services, advocates and other partners.
- SB 464 (Shuitmaker – R) - **Development of Model Investigative Protocol.** Requires the state to develop model investigative protocols for vulnerable adult abuse. Such protocols have been used successfully to improve efforts to identify, investigate and prosecute child abuse and will provide a critical tool to improved response and coordination.
- SB 463 (Young –D) – **Financial Abuse Training for Financial Institution Employees.** This bill defines financial exploitation, requires vulnerable adult abuse training for financial institution employees, and provides financial institutions protection for good faith reporting. Financial institutions are in a prime position to identify and report suspected abuse. The quicker suspected financial exploitation is reported the more likely harm can be mitigated. Financial institutions are key partners in this effort.

Over the course of the next few meetings as you address each bill in the elder protection package, you will hear from many advocates, victims and professionals about the impact of abuse, neglect and exploitation taking place in Michigan every day.

You will hear from grieving family members, like the son who called my office last week, whose dad died from sepsis due to extreme neglect by a family caregiver. While dealing with the tragic loss of his father and making final arrangements, the son learned of the extent of the financial exploitation, the transferring of the family home and depletion of bank accounts. Reforms in the package before you will allow us to hold perpetrator like this accountable.

This is why the Michigan Office of Services to the Aging, Governor Snyder, and many advocates in this room support this package and applaud the work of the Senate in passing these bills last fall. This package of bi-partisan bills, championed by Senator Schuitmaker, was developed with significant input from all stakeholders. When she introduced the bills the Senator said "There are tens of thousands of Michigan seniors who have been criminally abused, yet their pain and suffering is rarely reported and has largely gone unnoticed. In many ways, the system has failed them and we are intent on fixing that." We thank for your careful consideration of this package of bills.

SENATE BILLS in EA Package
SB's 454 – 457, 459-468, 604-605, 703, 777
All passed Senate November 2011

SB 454 Sen. Nofs-R	<p>Permits the use of video testimony in certain circumstances. Provides the same ability to use video testimony as provided to those with developmental disabilities and children.</p> <p><i>Budget implications:</i> The bill would have an indeterminate, but likely negligible, fiscal impact on State and local government. To the extent that the bill increased the administrative workload of various courts, local jurisdictions could incur additional costs.</p>	Referred to the House Committee on Families, Children and Seniors.
SB 455 Sen. Rocca-R	<p>Amends sentencing guidelines to increase penalties for certain fraud violations.</p> <p><i>Budget implications:</i> The bill would have an indeterminate fiscal impact on State and local government. To the extent that the new felony penalties led to an increase in incarceration, the State and local units of government would incur additional costs. Local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,500, as well as the cost of incarceration in a State facility at an average annual cost of \$34,000. To the extent that the revised penalties led to an increase in penal fines, the additional revenue would benefit public libraries</p>	Referred to the House Committee on Families, Children and Seniors.
SB 456 SB 460 SB 604 Sen. Young-D SB 605 Sen. Bieda	<p>Written disclosure of joint accounts to educate consumers about the mechanics of the account including access to all funds by all parties and the transfer on death aspect for remaining holders. Each bill is the same but amend a different code: savings banks (456), credit unions (460), banks (604), and savings and loans (605).</p> <p><i>Budget implications:</i> The bills would have no fiscal impact on State or local government.</p>	Referred to the House Committee on Banking and Financial Services
SB 457 Sen. Colbeck-R	<p>Allows establishment of vulnerable adult death review teams; defines team composition and responsibilities of the county medical examiner; provides protections from FOIA.</p> <p><i>Budget implications:</i> The bill would have no impact on local unit revenue, but could increase expenditures in local units by an unknown, and likely minimal, amount. The bill would have no impact on State revenue or expenditure.</p>	Referred to the House Committee on Families, Children and Seniors.

SB 459 Sen. Emmons-R	<p>Defines “fraudulently obtaining a signature”. Increases penalties for financial exploitation.</p> <p><i>Budget implications:</i> The bill would have an indeterminate fiscal impact on State and local government. To the extent that the new felony penalties led to an increase in incarceration, the State and local units of government would incur additional costs. Local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,500, as well as the cost of incarceration in a State facility at an average annual cost of \$34,000. To the extent that the revised penalties led to an increase in penal fines, the additional revenue would benefit public libraries</p>	Referred to the House Committee on Families, Children and Seniors.
SB 461 Sen. Shuitmaker-R	<p>Amends the Estate and Protected Individuals Code (EPIC) to require bonding of conservators; prohibit conservators from taking a lien or mortgage without approval; and prevent a convicted abuser from inheriting from the victim unless specifically forgiven after conviction.</p> <p><i>Budget implications:</i> The bill would have an indeterminate, but likely negligible, fiscal impact on State and local government.</p>	Referred to the House Committee on Families, Children and Seniors.
SB 462 Sen. Bieda-D	<p>Requires reporting of abuse to outside authorities for long term care facility employees. Increases protections for consumers and employees.</p> <p><i>Budget implications:</i> The bill would have no fiscal impact on State or local government</p>	Referred to the House Committee on Families, Children and Seniors.
SB 463 Sen. Young-D	<p>Defines financial exploitation, requires vulnerable adult abuse training for financial institution employees and provides financial institutions protections for good faith reporting.</p> <p><i>Budget implications:</i> To the extent that OFIR voluntarily made verification efforts, some new administrative costs could be associated.</p>	Referred to the House Committee on Families, Children and Seniors.
SB 464 Sen. Shuitmaker-R	<p>Requires the state to develop model investigative protocols for vulnerable adult abuse.</p> <p><i>Budget implications:</i> Any potential fiscal impact would depend on the degree of change that would be required to develop a model protocol. The bill would not have a fiscal impact on local units of government.</p>	Referred to the House Committee on Families, Children and Seniors.

SB 465 Sen. Hildenbrand-R	<p>Increases penalties for the crime of financial exploitation of a vulnerable adult.</p> <p><i>Budget implications:</i> The bill would have an indeterminate fiscal impact on State and local government. To the extent that the new felony penalties led to an increase in incarceration, the State and local units of government would incur additional costs. Local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,500, as well as the cost of incarceration in a State facility at an average annual cost of \$34,000. To the extent that the revised penalties led to an increase in penal fines, the additional revenue would benefit public libraries</p>	Referred to the House Committee on Families, Children and Seniors.
SB 466 Sen. Shuitmaker-R	<p>Creates the Senior Medical Alert Program, similar to the Amber Alert. Allows law enforcement to begin an investigation right away when a vulnerable adult is reported missing.</p> <p><i>Budget implications:</i> The bill would have no fiscal impact on State or local government</p>	Referred to the House Committee on Families, Children and Seniors.
SB 467 Sen. Jones-R	<p>Incorporates the National Association of Insurance Commissioners (NAIC) Model Law for Variable Annuities into Michigan statute to increase consumer protections.</p> <p><i>Budget implications:</i> The bill would introduce some new, likely small, administrative costs to the Office of Financial and Insurance Regulation (OFIR).OFIR would have to maintain a registry of training course providers. Since the bill would provide no additional funding for OFIR, these requirements would be fulfilled using existing resources of the Department of Licensing and Regulatory Affairs.</p>	Referred to the House Committee on Families, Children and Seniors.
SB 468 Sen. Hansen-R	<p>Prevents a magistrate from refusing a complaint filed by someone other than the victim in cases alleging vulnerable adult abuse.</p> <p><i>Budget implications:</i> The bill would have an indeterminate, but likely negligible, fiscal impact on State and local government. To the extent that the bill increased the administrative workload of various courts, local jurisdictions could incur additional costs.</p>	Referred to the House Committee on Families, Children and Seniors.
SB 706 Sen. Gregory-D	<p>Prohibits insurance producers from using senior-specific certifications and designations that do not meet specific criteria including training and continuing education requirements.</p>	Referred to the House Committee on Families, Children and Seniors.

	<p>Identifies the use of designations that do not meet criteria as a deceptive business practice.</p> <p><i>Budget implications:</i> The bill would likely have little fiscal impact.</p>	
<p>SB 777 Sen. Warren-D</p>	<p>Adds consumer protections including notice and disclosure regulations for agents regarding replacement life insurance and annuity products.</p> <p><i>Budget implications:</i> To the extent that these new regulations resulted in additional violations, the Department could collect additional penalty revenue. There is the potential for some small administrative costs, though the bill would require the forms to substantially follow those published by the National Association of Insurance Commissioners, so much of the development cost could be mitigated.</p>	<p>Referred to the House Committee on Families, Children and Seniors.</p>

***Budget Implications were retrieved from analyses prepared by nonpartisan Senate staff for use by the Senate in its deliberations.**

****All bills except 706 and 777 have been introduced in previous sessions. All bills except 466 and 706 relate to issues discussed by the 2005/2006 Task Force on Elder Abuse. Numerous attempts have been made in recent years to get these needed changes passed.**